

Notice of Allowability

Application No.

10/795,771

Examiner

Timothy C. Vanoy

Applicant(s)

SHAN ET AL.

Art Unit

1754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on Dec. 4, 2006.
2. ☒ The allowed claim(s) is/are 1-29, 48-52 and 56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date Jan. 9, 2007.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Timothy C. Vanoy
Timothy C. Vanoy
Primary Examiner
Art Unit 1754

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to the applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Adrian Calderone, applicants' attorney, on Jan. 9, 2007.

The application has been amended as follows:

In claim 21 line 2, replace "source" with --oxide--.

Cancel claims 53, 54 and 55.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

Claim 1 and the claims dependent thereon have been allowed because claim 1 recites that an organic aluminum source is combined with a first solvent to form a mixture in a first step. Then, after the pore-forming agent is added to the mixture, a second solvent is added. This feature is not taught or suggested by either examples 1 or 3 in WO 00/15551. For example, example 1 in WO 00/15551 discloses the addition of aluminum isopropoxide to an aqueous solution of tetrapropylammonium hydroxide. Then, the pore-forming agent triethanol amine is added, followed by addition of tetraethyl orthosilicate. However, there is no subsequent addition of solvent prior to drying the material.

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Claim 10 and the claims dependent thereon have been allowed because claim 10 recites that an organic aluminum source is combined with a first solvent to form a mixture in a first step. Then, after the pore-forming agent is added to the mixture, a second solvent is added. This feature is not taught or suggested by either examples 1 or 3 in WO 00/15551. For example, example 1 in WO 00/15551 discloses the addition of aluminum isopropoxide to an aqueous solution of tetrapropylammonium hydroxide. Then, the pore-forming agent triethanol amine is added, followed by the addition of tetraethyl orthosilicate. However, there is no subsequent addition of solvent prior to drying the material.

Claims 11, 16, 23 and 26 and the claims dependent thereon have been allowed because these claims are limited to the use of an inorganic source of aluminum oxide or an inorganic aluminum salt, however examples 1 and 3 in WO 00/15551 (which appear to be the closest examples to the applicants' claims) use an organic source of aluminum oxide. In fact, all of examples 1-7 in WO 00/15551 use an organic compound of metal as a starting ingredient.

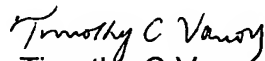
Claim 51 and the claim dependent thereon have been allowed because claim 51 is limited to the addition of a basic alkali metal compound to the mixture after the addition of the pore-forming agent, which is not taught or suggested in WO 00/15551.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy C. Vanoy whose telephone number is 571-272-8158. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Timothy C Vanoy
Primary Examiner
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